

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Consolidated Matters of:

PARENT ON BEHALF OF STUDENT,

OAH Case No. 2015100704

v.

IRVINE UNIFIED SCHOOL DISTRICT,

IRVINE UNIFIED SCHOOL DISTRICT,

OAH Case No. 2015100703

v.

PARENT ON BEHALF OF STUDENT.

ORDER GRANTING DISTRICT'S
MOTION TO AMEND COMPLAINT
AND CONTINUE CASE

On October 14, 2015, Student filed a due process hearing request (complaint) with the Office of Administrative Hearings, naming Irvine Unified School District. On October 19, 2015, Irvine filed its own complaint. On October 29, 2015, the parties filed a stipulation to have the cases consolidated, and to continue the dates for mediation, prehearing conference and due process hearing. OAH granted the motion to continue on October 29, 2015.

On November 19, 2015, Irvine filed a motion to amend its complaint, and also submitted a proposed amended complaint. Student did not file a response.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).) The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. However, Irvine has asked that the dates previously set in this matter, pursuant to the parties' stipulation to consolidate the cases and to continue all dates, remain as currently set. Student filed no opposition. This is considered a motion to continue the matter to the dates currently set. That motion is granted. The dates previously set by OAH on October 29, 2015, pursuant to the parties' previous agreement, shall remain as currently calendared.

ORDER

1. Irvine's motion to amend its complaint is granted, and the amended complaint shall be deemed filed on the date of this order.

2. The matter is continued and will proceed as follows. Mediation in the consolidated cases shall be held on January 7, 2016, at 9:30 a.m., the PHC in the consolidated cases shall be held on February 1, 2016, at 1:00p.m, and the due process hearing in the consolidated cases shall be held on February 9 through 11, 2016, at 9:30 a.m. on the first day, and 9:00 a.m. thereafter. The matter remains assigned to Administrative Law Judge Caroline Zuk.

DATED: November 30, 2015

/s/

REBECCA FREIE

Administrative Law Judge

Office of Administrative Hearings